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18
19 **IN THE UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 STEVE SIEBOLD,
22 Plaintiff,

23 v.

24 WENDY KELLER and KELLER
25 MEDIA, INC.,
26 Defendants.

C.A. No. 2:19-cv-01173 GW (JPRx)

**PLAINTIFF STEVE SIEBOLD'S
RESPONSE TO ORDER TO
SHOW CAUSE [DKT NO. 44]**

1 Pursuant to the Court’s Order to Show Cause [ECF 44] (“OSC”), Plaintiff Steve
2 Siebold respectfully responds as follows:

3 As the OSC notes, the original settlement conference was scheduled for October
4 11, 2019. On September 23, 2019, Defendant Wendy Keller requested that the date be
5 changed. (Declaration of Mieke Malmberg (“Malmberg Decl.”) at ¶ 2, Exh. A).
6 Plaintiff had no objection and, wanting to accommodate Ms. Keller, who is
7 representing herself *pro se*, agreed to the request. The court accommodated the request
8 and rescheduled the settlement conference for October 10, 2019.

9 Plaintiff timely provided the settlement conference statements. The Order Re
10 Settlement Conference (“Settlement Conference Order”) [ECF 39] requires that “a
11 person with full settlement authority must be present for each party. This requirement
12 contemplates the physical presence of each individual client or, if a corporate or
13 governmental entity, of an authorized and knowledgeable representative . . .” [ECF 39
14 at ¶ 3]. The copyrights at issue in this case are held in Mr. Siebold’s name. As alleged
15 in the complaint [ECF No. 1], Mr. Siebold is a professional speaker and CEO of
16 Siebold Success Network. [ECF No. 1 at ¶ 16]. For 33 years Mr. Siebold’s spouse,
17 Dawn Andrews, has acted as Mr. Siebold’s business manager. In that role, Ms.
18 Andrews directs, coordinates, and negotiates all aspects of Mr. Siebold’s business
19 including but not limited to book tours, seminars, publishing contracts, etc. on Mr.
20 Siebold’s behalf. [Decl. of Steve Siebold (“Siebold Decl.”) at ¶ 2, Decl. of Dawn
21 Andrews (“Andrews Decl.”) at ¶ 2]. Ms. Andrews is integrally familiar with all
22 aspects of Mr. Siebold’s business, including any publishing contracts related to Mr.
23 Siebold’s copyrighted works. She also communicated almost exclusively with Ms.
24 Keller on Mr. Siebold’s behalf concerning the facts underlying this action, and
25 attempted to glean information from the foreign publishers to which Ms. Keller had
26 unilaterally and impermissibly sold rights in Mr. Siebold’s copyrighted works. [ECF
27 No. 1 at ¶¶ 59 -63, 69, 70, 72; Siebold Decl. at ¶ 3; Andrews Decl. ¶ 2]. Additionally,
28

1 Ms. Andrews directs counsel on Mr. Siebold's behalf. [Andrews Decl. at ¶ 3; Siebold
2 Decl. at ¶ 4.]

3 Accordingly, Ms. Andrews knows all aspects of this case and the underlying
4 facts and has full settlement authority provided to her by her spouse, Mr. Siebold.
5 Thus, although Ms. Andrews is not a named party, both she and Mr. Siebold are
6 "clients." Additionally, when the court denied their request to attend telephonically,
7 they each believed that Ms. Andrews's presence at any settlement conference was
8 required. [Andrews Decl. at ¶ 4, Siebold Decl. ¶ 5].

9 However, based on the Order to Show Cause, Mr. Siebold and Ms. Andrews are
10 now aware of their misunderstanding. Accordingly, Mr. Siebold, in addition to Ms.
11 Andrews, will attend any such settlement conference.

12 **CONCLUSION AND AVAILABLE DATES**

13 Plaintiff respectfully apologizes for any confusion and misunderstanding and
14 respectfully requests this court's forgiveness. Accordingly, Mr. Siebold will
15 personally attend any future mediation. Plaintiff also continues to believe that the
16 presence of Ms. Andrews would be beneficial – and indeed necessary - for the court
17 and the parties during any discussions. Mr. Siebold is hopeful that the court can assist
18 in resolving this matter.

19 Plaintiff is available to attend mediation on October 10, October 11, October 24,
20 25, 28-31.¹ Plaintiff is also available at the court's discretion and request in November
21 as well, although Plaintiff believes that an earlier mediation would be beneficial for
22 everyone.

23 Although Plaintiff made efforts to coordinate future availability with Ms. Keller
24 and Plaintiff's counsel emailed Ms. Keller with the purpose of (1) informing her of the
25 OSC, and (2) requesting her availability for future dates, Ms. Keller simply responded
26 "I don't want to move the date." [Malmberg Decl. ¶ 6, Exh. E]. Ms. Keller did not
27

28 ¹ Plaintiff understands that the court is not available for mediation October 12-18.

1 provide her availability, reproached counsel for emailing her, later indicated that she
2 had accidentally emailed counsel, and cited some health problems. Ms. Keller has not
3 indicated that she would provide the information requested by this court including, for
4 example, the settlement conference statement which Ms. Keller should have provided
5 already in accordance with the Settlement Conference Order [ECF 39], nor has Ms.
6 Keller provided any available dates for mediation. [Malmberg Decl. at ¶ 5, Exh. D].
7 Accordingly, it has been difficult to meaningfully and productively communicate with
8 Ms. Keller.

1 Dated: October 7, 2019

/s/ Mieke K. Malmberg

Mieke K. Malmberg

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CERTIFICATE OF SERVICE

Pursuant to Civil Local Rule 5-4.1, I hereby certify that on the 7th day of October, 2019, the foregoing **PLAINTIFF STEVE SIEBOLD'S RESPONSE TO ORDER TO SHOW CAUSE** was served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system, and via-e-mail and certified mail, return receipt requested, to:

Wendy Keller
1180 Cobble Hill Court
Hoffman Estates, IL 60169
Email: wkeller@kellmermedia.com

Dated: October 7, 2019

Respectfully submitted,

SKIERMONT DERBY, LLP

By: /s/ Mieke K. Malmberg

Mieke K. Malmberg

Attorneys for Plaintiff Steve Siebold